

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-MJ-00021-SMM

UNITED STATES OF AMERICA

v.

ERNESTO PEREZ-PINA,

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? No
2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No
3. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No

Respectfully submitted,
JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

BY:



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FILED BY sch D.C.

Mar 9, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Fort Pierce

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)

v.)

ERNESTO PEREZ-PINA)

Case No. 22-MJ-00021-SMM)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/6/2022 in the county of Indian River in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code,
Sections 1326(a) and (b)(1)

Previously Removed Alien Found in the United States

This criminal complaint is based on these facts:

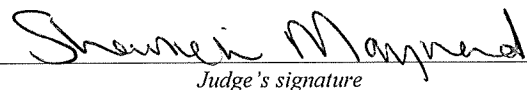
-SEE ATTACHED AFFIDAVIT-

☒ Continued on the attached sheet.
Complainant's signature

Christopher Delbaugh, Deportation Officer, ICE

Printed name and title

Sworn to before me and signed in my presence.

Date: March 9, 2022
Judge's signatureCity and state: Fort Pierce, Florida

Shanek M. Maynard, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF

**CHRISTOPHER DELBAUGH,
DEPORTATION OFFICER, UNITED STATES DEPARTMENT OF HOMELAND
SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT ("ICE")**

I, Christopher Delbaugh, being duly sworn, depose and state as follows:

1. I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and have been employed in a similar capacity since 2015. I am currently assigned to Enforcement and Removal Operations, Fugitive Operations Team, Stuart, Florida. As a Deportation Officer with ICE, my duties and responsibilities include enforcing criminal and administrative immigration laws of the United States. I have also conducted and participated in investigations of this nature.

2. This affidavit is based upon my own knowledge as well as information provided to me by other law enforcement officers. This affidavit does not set forth every fact known to me regarding the investigation but only those facts necessary to establish probable cause to believe that Ernesto PEREZ-PINA ("PEREZ-PINA") committed the offense of being a previously removed alien found in the United States, in violation of Title 8, United States Code, Sections 1326(a) and (b)(1).

3. On or about February 6, 2022, PEREZ-PINA was arrested for driving without a valid driver's license in Indian River County, Florida, in the Southern District of Florida. As part of the booking process, PEREZ-PINA was fingerprinted by Indian River County Jail booking officials. The fingerprints were electronically submitted to a federal database maintained by the Department of Homeland Security, which triggered a positive match for an alien previously removed from the United States.

4. On February 6, 2022, PEREZ-PINA posted a \$500 cash bond prior to ICE lodging a detainer. PEREZ-PINA was released from the Indian River County Jail the same day. Upon screening Department of Homeland Security databases, I identified PEREZ-PINA as an “at large” immigration violator.

5. I reviewed documents from the immigration alien file belonging to PEREZ-PINA, AXXX XXX 796. A review of Department of Homeland Security electronic records and the immigration alien file assigned to PEREZ-PINA show that he is a native and citizen of Mexico.

6. Records further show that on or about August 23, 2010, PEREZ-PINA was ordered removed from the United States. Records in the alien file show that on or about August 25, 2010, PEREZ-PINA was removed from the United States to Mexico.

7. PEREZ-PINA re-entered the United States and his removal order was reinstated on or about March 24, 2012. Records in the alien file show that on or about April 22, 2012, PEREZ-PINA was removed from the United States to Mexico. Prior to his removal, PEREZ-PINA was convicted in the Western District of Texas of violating Title 8, United States Code, Section 1325, improper entry by an alien.

8. PEREZ-PINA re-entered the United States and his removal order was reinstated on or about July 24, 2013. Records in the alien file show that on or about September 25, 2013, PEREZ-PINA was removed from the United States to Mexico. Prior to his removal, PEREZ-PINA was convicted in the Southern District of Texas of violating Title 8, United States Code, Section 1325(a)(1), improper entry by an alien.

9. PEREZ-PINA re-entered the United States and his removal order was reinstated on an unknown date. Records in the alien file show that on or about January 30, 2014, PEREZ-PINA was removed from the United States to Mexico. Prior to his removal, PEREZ-PINA was

convicted in the Southern District of Texas of violating Title 8, United States Code, Section 1325(a)(1), improper entry by an alien.


10. I subsequently arrested PEREZ-PINA on March 8, 2022. His fingerprints from this arrest were entered into the IDENT system, a biometric database maintained by the Department of Homeland Security. Results confirmed that these fingerprints belong to the individual who was previously removed from the United States, that is, Ernesto PEREZ-PINA.

11. A record check was performed in the Computer Linked Application Informational Management System (CLAIMS) to determine if PEREZ-PINA had filed an application for permission to reapply for admission into the United States after deportation or removal. After a search was performed in that database system, no record was found to exist indicating that PEREZ-PINA obtained consent from the Attorney General of the United States or from the Secretary of Homeland Security, for re-admission into the United States as required by law.

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12. Based on the foregoing, I submit that there exists probable cause to believe that, on or about February 6, 2022, Ernesto PEREZ-PINA, an alien who has previously been deported and removed from the United States, was found in the United States without having received the express consent from the Attorney General or the Secretary of the Department of Homeland Security for re-admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and (b)(1).

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Christopher Delbaugh
Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my presence, on this 9th day of March 2022.


SHANIEK M. MAYNARD
UNITED STATES MAGISTRATE JUDGE

